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COOPERATION BETWEEN THE UNITED NATIONS AND THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

Report of the Secretary-General

1. The present report on cooperation between the United Nations and the Asian-African Legal Consultative Committee (AALCC) is prepared pursuant to paragraph 5 of General Assembly resolution 49/8 of 25 October 1994.

2. In its resolution 35/2 of 13 October 1980, the General Assembly had invited AALCC to participate in its sessions and its work in the capacity of an observer. Thereafter, the Permanent Observer Missions of AALCC to the United Nations were established in New York and Vienna.

3. On the occasion of the commemoration of the twenty-fifth anniversary of AALCC, the General Assembly, in its resolution 36/38 of 18 November 1981, requested the Secretary-General of the United Nations to hold consultations with the Secretary-General of AALCC with a view to further strengthening and widening the scope of cooperation between the two organizations. The item on cooperation between the United Nations and AALCC had been considered by the Assembly annually until its forty-first session and thereafter biennially, at its forty-third, forty-fifth, forty-seventh and forty-ninth sessions.

4. In its resolution 49/8, the General Assembly noted with satisfaction the continuing efforts of AALCC towards strengthening the role of the United Nations and its various organs, including the International Court of Justice, through programmes and initiatives undertaken by the Consultative Committee. It also noted with satisfaction the commendable progress achieved in enhancing

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cooperation between the United Nations and AALCC in wider areas. The Assembly noted with appreciation the decision of AALCC to participate actively in the programmes of the United Nations Decade of International Law and programmes on environment and sustainable development. The Assembly decided to include the item entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee" in the provisional agenda of its fifty-first session.

A. Cooperative framework

5. Pursuant to the cooperative framework agreed upon by the two organizations, consultations have routinely been conducted on matters of common interest, in particular, regarding representation at meetings and sessions, exchange of documentation and information and the identification of areas where the supportive role of AALCC might be most productive. During the forty-ninth and fiftieth sessions of the General Assembly, meetings were held between the Legal Counsel of the United Nations and the Secretary-General of AALCC.

6. AALCC has oriented its work programmes so as to accord priority to matters that are of interest to the United Nations and to initiate actions with a view to strengthening the role of the United Nations. The work programme of AALCC has assumed a role supportive of the work of the United Nations. The areas of cooperation, apart from the field of international law, now cover matters in the economic, environmental and humanitarian fields.

7. On the occasion of the commemoration of the fiftieth anniversary of the United Nations, AALCC contributed a publication entitled "AALCC's Cooperation with the United Nations", which set out information about the activities of AALCC supportive of the United Nations functions relating to the progressive development of international law and its codification.

B. Representation at meetings and conferences

8. During the period under review AALCC was represented at the United Nations Congress on Public International Law held in March 1995. AALCC was also represented at the special meeting of the General Assembly to commemorate the fiftieth anniversary of the United Nations. The Secretary-General of AALCC addressed that meeting on 24 October 1995.

9. AALCC was also represented at meetings of the following United Nations bodies: the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks; the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change; the second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change; the Expert Group Workshop on International Environmental Law Aiming at Sustainable Development; and the Ninth United Nations Congress on Crime Prevention and Treatment of Offenders.

10. Representatives of various United Nations bodies participated at the thirty-forth and thirty-fifth sessions of AALCC, held respectively at Doha in 1995 and Manila in 1996.

11. Collaboration also continued between AALCC and the United Nations Commission on International Trade Law (UNCITRAL). AALCC was represented at the twenty-eighth session of UNCITRAL and has prepared notes and comments on the work of the twenty-eighth and twenty-ninth sessions of UNCITRAL.

C. Strengthening the role of the United Nations; United Nations Decade of International Law

12. In 1985, AALCC prepared a study on "Strengthening the role of the United Nations through rationalization of its functional modalities with special reference to the General Assembly" (A/40/726 and Corr.1, annex) providing an overall assessment of the functioning of the United Nations, and subsequently, prepared a set of recommendations on the improvement of the functioning of the General Assembly (A/41/437, annex). Since then, AALCC has continued to follow up on the implementation of the relevant General Assembly resolutions relating to this subject.

13. Pursuant to General Assembly resolution 44/23 of 17 November 1989, whereby the Assembly declared the period 1990-1999 as the United Nations Decade of International Law, AALCC prepared a brief identifying a number of issues involved and activities that might be undertaken during the Decade. At its twenty-ninth session, held in March 1990, AALCC urged greater collaboration with the United Nations in that regard. Thereafter, a report on the role that AALCC could play in the realization of the objectives of the Decade was submitted to the Secretary-General of the United Nations (A/45/430, annex).

14. In pursuance of the relevant General Assembly resolutions, AALCC has, during the period under review, been invited to undertake activities in the implementation of the programme for the third term of the Decade and has provided information in that respect to the Secretary-General of the United Nations for transmission to the General Assembly.

15. During the period under review the secretariat of AALCC organized, within the framework of the Consultative Committee at its thirty-fifth session, held in March 1996, a special meeting on the establishment of an international criminal court, which furnished a forum for an informal exchange of views on the work of the Ad Hoc Committee on the Establishment of an International Criminal Court. The proceedings of the special meeting were transmitted to the Chairman of the Preparatory Committee on the Establishment of an International Criminal Court in March 1996. AALCC was represented at the first and second sessions of the Preparatory Committee and the AALCC secretariat will report thereon at the thirty-sixth session of the Consultative Committee, to be held at Tehran in 1997.

16. Representatives of as many as 42 States Members of the United Nations participated in a meeting of the legal advisers convened by AALCC at United Nations Headquarters during the fiftieth session of the General Assembly. The

President of the International Court of Justice, the Chairman of the Sixth Committee, the Legal Counsel of the United Nations and the Chairman of the International Law Commission were among those who addressed that meeting.

D. Promoting wider use of the International Court of Justice

17. AALCC continues its efforts in promoting wider use of the International Court of Justice. It may be recalled that AALCC had prepared a study on the question of possible wider use of the Court, in which attention was focused on the advantages to be obtained by using the Court or its special chambers. Following the 1992 United Nations Conference on Environment and Development, AALCC prepared a study on the enhanced utilization of the Court in matters relating to the protection and preservation of the environment.

18. AALCC organized in 1996 a regional seminar to commemorate the fiftieth anniversary of the International Court of Justice and to promote awareness of the work of the Court.

19. AALCC continues to follow closely the work of the International Court of Justice and attaches great significance to its work.

E. Measures for the promotion of ratification and implementation of the United Nations Convention on the Law of the Sea

20. AALCC has urged the full and effective participation of its member States in the International Seabed Authority and has called upon member States to give timely consideration to the need for adopting a common policy and strategy for the interim period before the commercial exploitation of the deep seabed minerals become feasible. In this regard, it urged member States to take an evolutionary approach especially to the "initial function" of the Authority so as to make the Authority useful to the international community in general, and developing countries in particular, during this initial period.

F. International Economic Cooperation for Development

21. At its thirty-fourth session, AALCC urged its member States to consider the UNCITRAL Model Law on Procurement of Goods, Construction and Services as they reform or enact their legislation on procurement. The recommendation came in the wake of an International Seminar on Globalization and Harmonization of Commercial and Arbitration Laws organized by AALCC in collaboration with the technical support of UNCITRAL, the World Intellectual Property Organization (WIPO), the World Bank, the United Nations Industrial Development Organization (UNIDO) and the International Institute for the Unification of Private Law (UNIDROIT). AALCC has also urged its member States to consider adopting, ratifying or acceding to other similar proposals prepared by UNCITRAL.

22. Under an AALCC scheme for settlement of disputes in economic and commercial transaction, regional arbitration centres have been established at Cairo,

Kuala Lumpur and Lagos to assist in the promotion and implementation of UNCITRAL arbitration rules. Steps are being taken to establish and make operational a similar centre at Nairobi to serve the countries in eastern and southern Africa. During the period under review AALCC sponsored in conjunction with the World Bank an International Conference on the Settlement of Energy, Petroleum and Gas Disputes. The Conference was organized by the AALCC Regional Centre for International Commercial Arbitration at Cairo in November 1995.

G. Question of refugees

23. AALCC has been actively engaged in the study of refugee law and refugee problems and has, for that purpose, been working in close cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR). At its Manila session in March 1996, AALCC decided to organize in 1996, with the financial and technical assistance of UNHCR, a seminar to commemorate the thirtieth anniversary of the principles concerning treatment of refugees adopted by AALCC at Bangkok.

24. AALCC has studied the concept of establishing a safety zone for displaced persons in the country of origin and identified a set of principles in this regard. At its thirty-fifth session, AALCC directed its secretariat to study further the concept of safety zones and to analyse the role played in this respect by UNHCR.

25. During the period under review, the AALCC secretariat undertook the drafting of model legislation on the rights and duties of refugees in the light of principles of international law and practice of States in the region.

H. Other issues currently before AALCC

26. Following its consideration of the proposals made by the Secretary-General of the United Nations in his report entitled "An Agenda for Peace" (A/47/277), AALCC prepared notes and comments on the legal issues concerning mine clearance, protection of personnel engaged in peacemaking, peacekeeping and humanitarian activities. At its thirty-fourth session, AALCC considered a brief of documents on the Convention on the Safety of the United Nations and Associated Personnel.

27. At its thirty-fifth session, AALCC considered a brief of documents on the Legal Protection of Migrant Workers and urged its member States to transmit their views to the AALCC secretariat as to how legal protection of emigrant workers could be effectively implemented.

I. Fortieth anniversary of AALCC

28. AALCC was constituted in November 1956 and has established itself as a major forum for international cooperation and its work programme has accordingly been suitably attuned to meet the needs of an expanding membership. At its thirty-fifth session, the Consultative Committee approved a proposal to commemorate its fortieth anniversary by organizing a seminar relevant to the

objectives of the United Nations Decade of International Law. In addition, the AALCC secretariat has proposed to commemorate the fortieth anniversary of AALCC by issuing a special publication. To that end it has invited eminent and distinguished scholars, officials of member States of AALCC, other countries and international organizations to contribute articles for the proposed collection of essays on international law. The proposed publication will contribute to the promotion of one of the objectives of the Decade.